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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

MAURICE RASHADD FITZGERALD,

Defendant.

Case No. 2:17-mj-918-GWF

STIPULATION TO CONTINUE PRELIMINARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre, Acting United States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for the United States of America; Rebecca Levy, counsel for Defendant Maurice Rashadd Fitzgerald, that the preliminary hearing for the above-captioned matter, currently scheduled for October 16, 2017, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than thirty (30) days.

1 This stipulation is entered for the following reasons:

2 1. The parties require additional time to discuss the potential for a pre-Indictment
3 negotiation.

4 2. The Defendant is in custody, but does not object to the continuance.

5 3. The parties need additional time to prepare in advance of any preliminary hearing,
6 taking into account due diligence.

7 4. Denial of this request for continuance of the preliminary hearing would potentially
8 prejudice both the Defendant and the Government and unnecessarily consume this Court's
9 valuable resources.

10 5. Additionally, denial of this request for continuance could result in a miscarriage
11 of justice.

12 6. The additional time requested by this stipulation is excludable in computing the
13 time within which the defendant must be indicted and the trial herein must commence pursuant
14 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under
15 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

16 7. This is the first request for a continuance of the preliminary hearing herein.

17 DATED: October 12, 2017.

18 /s/
19 CHRISTOPHER BURTON
20 Assistant United States Attorney
21 Counsel for the United States

18 /s/
19 REBECCA LEVY, ESQ.
20 Counsel for Defendant FITZGERALD

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 ***

4 UNITED STATES OF AMERICA,)

5 Plaintiff,)

6 v.)

7 MAURICE RASHADD FITZGERALD,)

8 Defendants.)

2:17-mj-918-GWF

ORDER CONTINUING
PRELIMINARY HEARING

9 **ORDER**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS**
11 **HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently
12 scheduled for October 16, 2017, at the hour of 4:00 p.m., be vacated and continued to
13 _____ November 16 _____, 2017 at the hour of _____ 4:00 p _____m.

14 Dated: 10/13/2017

15 
UNITED STATES MAGISTRATE JUDGE